

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
3/10/21 3:43 pm
CLERK
U.S. BANKRUPTCY
COURT - WDP

In re:	:	Case No.:	16-21971-GLT
	:	Chapter:	13
Derrik Anthony Kuhns	:		
Staci Ann Kuhns	:		
	:	Date:	3/10/2021
<i>Debtor(s).</i>	:	Time:	09:00

PROCEEDING MEMO

MATTER: #239 Response to the Chapter 13 Trustee's Interim Notice of Cure of Arrears with Certificate of Service (The Response reflects that creditor DOES NOT agree with the Interim Cure.)
#243 Reply by Chapter 13 Trustee
#245 Supplemental Response filed by CitiMortgage, Inc.

APPEARANCES:
Trustee: Kate DeSimone
CitiMortgage: Jill Manuel-Coughlin

NOTES: (9:14)

Court: This is before me in an unusual posture. The trustee filed a notice of interim cure of the prepetition arrears, and the creditor agreed. The issue in dispute is whether the postpetition payments are current.

DeSimone: This case began with the trustee filing an interim notice of cure. The creditor responded that prepetition defaults are cured but not postpetition. A myriad of notices of mortgage payment change were filed and we're unable to ascertain the status of the postpetition payments. We'd like four notices of payment change to be withdrawn and an updated and clarified notice of mortgage payment change filed.

Court: What's the status of the plan payments?

DeSimone: Wage attachment remitting, but no payments since November 2020.

Court: That seems to be the bigger problem. This is month 58?

DeSimone: Yes.

Manuel-Coughlin: We filed a supplemental response and attached all of the payment change notices. And included an excel showing each month's payments. The last payment we got was in October 2020. The trustee won't implement the payments change unless the debtor's attorney responds to the notice.

Court: The payment changes aren't being implemented? They're addressed at the end of the case.

DeSimone: We don't implement them immediately unless there's a declaration from the debtor saying there's enough money - so we usually address the change at the end of the case. There was a notice of default filed this morning.

Court: If the parties want to meet and confer I will invite you to do so.

Manuel-Coughlin: I find it interesting that our response was opposed by the trustee's office. If we hadn't filed our response, it wouldn't have brought to light that if the debtor was making payments all along there might be a gap at the end preventing him from completing his plan.

OUTCOME:

1. Response to the *Chapter 13 Trustee's Interim Notice of Cure of Arrears with Certificate of Service (The Response reflects that creditor DOES NOT agree with the Interim Cure.)* [Dkt. No. 239] is UNDER ADVISEMENT.

DATED: 3/10/2021